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THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224				
			EXAMINER PRUNNER, KATHLEEN J	
			ART UNIT 3751	PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

6

Office Action Summary	Application No. 10/089,331	Applicant(s) GRUENBACHER ET AL.	
	Examiner Kathleen J. Prunner	Art Unit 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-20, 22, 23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-20, 22, 23 and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The following informalities in the claims are noted: (A) in claim 2, on line 2, “lay” should be changed to read --layer--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-6, 10-20, 22, 23 and 25-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1 and 25 call for “a first side having a first internal surface and a first external surface” and “a second side having a second internal surface and a second external surface”. However, the originally filed specification describes and supports “One non-limiting, representative example of an applicator of the present invention includes a semi-enclosed applicator such as the disposable mitt 10” (note the sentence beginning on line 4 on page 8), “The mitt 10 has a front outer surface 31, a front inner surface 32, a back outer surface 33, and a back inner surface 34. The front and back inner surfaces define a hollow interior 29 into which a hand may be inserted through an opening in the cuff portion 21. The mitt 10 includes a front panel 24, which defines the front outer surface 31, and a back panel 26, which defines the back outer surface 33.” (note the sentence beginning on line 16 of page 8). Hence the originally filed

specification fails to describe what constitutes the claimed first and second sides, first and second internal surfaces, and first and second external surfaces.

Claim 2 calls for “a first substantially fluid-impervious barrier layer is located between said reservoir and said second internal surface”. However, the originally filed specification describes and supports “In order to protect the hand of the user from contact with the product during the dispensing and/or dispersing operation, the applicators of the present invention can include a barrier layer 25, the interior of which defines the front inner surface 32 that faces the wearer's hand during use.” (note the sentence beginning on line 30 of page 22) and “To protect the wearer's hand from contact with liquids absorbed by the back panel 26, it may be desirable for some applications to include an optional additional fluid impervious barrier layer 27, the interior of which defines the back inner surface 34 that faces the wearer's hand during use.” (note the sentence beginning on line 1 of page 28). Hence, the originally filed specification fails to describe what constitutes the claimed “first substantially fluid-impervious barrier layer” that “is located between said reservoir and said second internal surface”.

Claim 13 calls for “a second substantially fluid-impervious barrier layer disposed between said first barrier layer and said second internal surface”. However, the originally filed disclosure merely supports “To protect the wearer's hand from contact with liquids absorbed by the back panel 26, it may be desirable for some applications to include an optional additional fluid impervious barrier layer 27, the interior of which defines the back inner surface 34 that faces the wearer's hand during use.” (note the sentence beginning on line 1 of page 28). Hence, the originally filed specification fails to describe what constitutes the claimed “second substantially fluid-impervious barrier layer” that “is disposed between said first barrier layer and said second internal surface”.

Claims 25 and 30 call for “a flow restriction layer disposed between said reservoir and said first external surface” and “a flow restriction layer disposed between said reservoir and said first side”, respectively. However, the originally filed disclosure fails to support or describe such a disposition of a flow restriction layer.

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Claim 28 calls for “a substantially fluid-impervious barrier layer disposed between said reservoir and said second internal surface”. Like claim 2 above, the originally filed specification describes and supports “In order to protect the hand of the user from contact with the product during the dispensing and/or dispersing operation, the applicators of the present invention can include a barrier layer 25, the interior of which defines the front inner surface 32 that faces the wearer's hand during use.” (note the sentence beginning on line 30 of page 22) and “To protect the wearer's hand from contact with liquids absorbed by the back panel 26, it may be desirable for some applications to include an optional additional fluid impervious barrier layer 27, the interior of which defines the back inner surface 34 that faces the wearer's hand during use.” (note the sentence beginning on line 1 of page 28). Hence, the originally filed specification fails to describe what constitutes the claimed “substantially fluid-impervious barrier layer” that “is disposed between said reservoir and said second internal surface”.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-6, 10-20, 22, 23 and 25-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is unclear how the “substance” recited on lines 1 and 8 structurally relate to one another. Additionally, it is unclear as to which “substance”, i.e., that recited on line 1 or line 8, “said substance” on line 11 is referring to.

In claim 1, it is unclear how the “target surface” recited on lines 1-2, 8 and 13 structurally relate to one another.

In claim 11, it is unclear how the “substance” recited on line 3 structurally relates to that recited in claim 1.

In claim 11, it is unclear how the “target surface” recited on line 3 structurally relates to that recited in claim 1.

In claim 14, it is unclear how the “target surface” recited on lines 2-3 structurally relates to that recited in claim 1.

Claim 19 contains a term lacking proper antecedent basis. The claim recites the limitation “said at least one” in line 1. There is insufficient antecedent basis for this limitation in the claim.

In claim 25, it is unclear how the “substance” recited on lines 1 and 7 structurally relate to one another. Additionally, it is unclear as to which “substance”, i.e., that recited on line 1 or line 7, “said substance” on lines 9-10 is referring to.

In claim 25, it is unclear how the “target surface” recited on lines 1-2, 7 and 11 structurally relate to one another.

In claim 29, it is unclear how the “substance” recited on lines 1 and 8-9 structurally relate to one another. Additionally, it is unclear as to which “substance”, i.e., that recited on line 1 or line 8-9, “said substance” on line 10 is referring to.

In claim 29, it is unclear how the “target surface” recited on lines 1-2 and 9 structurally relate to one another.

In claim 30, it is unclear how the “substance” recited on lines 1 and 5 structurally relate to one another. Additionally, it is unclear as to which “substance”, i.e., that recited on line 1 or line 5, “said substance” on lines 8-9 is referring to.

In claim 30, it is unclear how the “target surface” recited on lines 1-2 and 5 structurally relate to one another.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 10-20 and 25-30 are rejected under 35 U.S.C. 102(a) and 102(e) as being anticipated by Gruenbacher et al. (6,508,602).

With respect to claim 1, Gruenbacher et al. ('602) disclose an applicator 10 having all the claimed features including a first side (constituted by panel 24) having a first internal surface 32 and a first external surface 31; a second side (constituted by panel 26) having a second internal surface 34 and a second external surface 33; and a flexible film dosing reservoir 30 (note lines 14-16 in col. 8 and lines 10-11 in col. 15) comprising a resealable channel 44 (note lines 1-14 in col. 8) in fluid communication with the reservoir 30, the reservoir 30 containing a substance for distributing onto a target surface (note lines 9-10 in col. 1) and having a predetermined weak region (note lines 28-31 in col. 6), the reservoir 30 being disposed between the first external surface 31 of the first side and the second internal surface 34 of the second side (note Fig. 2), the substance being releasable from the reservoir 30 through the resealable channel 44 (note lines 48-51 in col. 7) and through the first side to the target surface (note from line 65 in col. 3 to line 1 in col. 4) by an application of pressure to the reservoir 30 (note lines 60-62 in col. 4 and from line 67 in col. 4 to line 1 in col. 5).

With respect to claim 2, Gruenbacher et al. ('602) also disclose a first substantially fluid-impervious barrier layer 25 located between the reservoir 30 and the second internal surface 34 of the second side (note Fig. 2).

With regard to claim 13, Gruenbacher et al. ('602) further disclose a second substantially fluid-impervious barrier layer 27 disposed between the first barrier layer 25 and the second internal surface (note lines 27-31 in col. 9).

With regard to claim 14, Gruenbacher et al. ('602) additionally disclose a second flexible film dosing reservoir 35 containing a second substance for distributing on the target surface (note lines 35-38 in col. 9).

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With respect to claim 3, Gruenbacher et al. ('602) also disclose that the applicator is selected from the group consisting of gloves, mitts (note lines 40-42 in col. 3), pads (note lines 1-3 in col. 13) and wipes (note line 60 in col. 6 and line 24 in col. 9).

With respect to claim 4, Gruenbacher et al. ('602) further disclose that the flexible film dosing reservoir 30 is rupturable (note lines 60-62 in col. 4).

With regard to claim 5, Gruenbacher et al. ('602) additionally disclose that the flexible film dosing reservoir 30 is rendered rupturable by a frangible seal (note lines 62-64 in col. 4).

With regard to claim 6, Gruenbacher et al. ('602) also disclose that the flexible film dosing reservoir 30 is foldable proximate to the frangible seal (note lines 22-30 in col. 8).

With regard to claim 12, Gruenbacher et al. ('602) further disclose that the frangible seal has at least one stress concentrator (note lines 1-4 in col. 5).

With respect to claim 10, Gruenbacher et al. ('602) additionally disclose that the flexible film dosing reservoir 30 further includes a distribution head (note lines 48-49 in col. 7) in fluid communication with the resealable channel through which the substance is released from the reservoir to the first side (note from line 61 in col. 7 to line 16 in col. 8).

With respect to claim 11, Gruenbacher et al. ('602) also disclose that the flexible film dosing reservoir 30 further comprises a plurality of chambers or compartments with each compartment containing a substance for distributing on the target surface and the compartments being adapted to provide at least one function wherein the function is selected from the group consisting of mixing, multiple dispensing, and sequential dispensing (note lines 15-60 in col. 7).

With respect to claim 15, Gruenbacher et al. ('602) further disclose that the flexible film dosing reservoir 30 comprises a material capable of varying seal strengths (note lines 4-25 in col. 6).

With respect to claim 16, Gruenbacher et al. ('602) additionally disclose that the first side is a substantially non-absorbent material (note lines 1-3 in col. 4).

With respect to claim 17, Gruenbacher et al. ('602) also disclose that the second side is a substantially absorbent material (note lines 8-12 in col. 9).

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With respect to claim 18, Gruenbacher et al. ('602) further disclose a friction enhancing element located on at least one of the first and second sides (note lines 42-48 in col. 9).

With regard to claim 19, Gruenbacher et al. ('602) additionally disclose that at least one of the first and second sides is textured (note lines 57-64 in col. 10).

With regard to claim 20, Gruenbacher et al. ('602) also disclose that the flexible film dosing reservoir 30 is located to avoid inadvertent dispensing (note lines 22-59 in col. 8).

With regard to claim 25, Gruenbacher et al. ('602) disclose an applicator 10 having all the claimed features including a first side (constituted by panel 24) having a first internal surface 32 and a first external surface 31; a second side (constituted by panel 26) having a second internal surface 34 and a second external surface 33; a rupturable laminate film reservoir 30 (note lines 19-22 and 63 in col. 5) comprising a resealable channel 44 (note lines 1-14 in col. 8) in fluid communication with the reservoir 30, the reservoir 30 containing a substance for distributing onto a target surface (note lines 9-10 in col. 1), the reservoir 30 being disposed between the first external surface 31 of the first side and the second internal surface 34 of the second side (note Fig. 2), the substance being releasable from the reservoir 30 through the resealable channel 44 (note lines 48-51 in col. 7) and through the first side to the target surface (note from line 65 in col. 3 to line 1 in col. 4) via an application of pressure to the reservoir 30 (note lines 60-62 in col. 4 and from line 67 in col. 4 to line 1 in col. 5); and a flow restriction layer (constituted by the layer 37, note lines 16-29 in col. 4) disposed between the reservoir 30 and the first external surface.

With respect to claim 26, Gruenbacher et al. ('602) also disclose that the reservoir is a flexible film reservoir (note line 63 in col. 5 and lines 10-11 in col. 15).

With respect to claim 27, Gruenbacher et al. ('602) further disclose that the applicator is selected from the group consisting of a glove, a mitt (note lines 40-42 in col. 3), a pad (note lines 1-3 in col. 13) and a wipe (note line 60 in col. 6 and line 24 in col. 9).

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With respect to claim 28, Gruenbacher et al. ('602) additionally disclose a substantially fluid-impervious barrier layer 25 disposed between the rupturable reservoir 30 and the second internal surface 34 (note Fig. 2).

With respect to claim 29, Gruenbacher et al. ('602) disclose an applicator 10 having all the claimed features including a first side (constituted by panel 24) having a first internal surface 32 and a first external surface 31; a second side (constituted by panel 26) having a second internal surface 34 and a second external surface 33; a flexible film dosing reservoir 30 (note lines 14-16 in col. 8 and lines 10-11 in col. 15) comprising at least one frangible seal 45 (note lines 60-64 in col. 4 and Fig. 7) and a distribution channel 44 disposed proximate the seal 45 (note Fig. 7), the reservoir 30 containing a substance for distributing onto a target surface (note lines 9-10 in col. 1), the reservoir 30 being disposed adjacent the first side (note Fig. 2), the substance being sequentially releasable (note lines 17-20 in col. 7) through the seal 45 and through the distribution channel 44 to the first side via multiple applications of pressure to the reservoir 30 (note lines 60-62 in col. 4, from line 67 in col. 4 to line 1 in col. 5 and lines 1-21 in col. 8).

With respect to claim 30, Gruenbacher et al. ('602) disclose an applicator 10 having all the claimed features including a first side (constituted by panel 24) having a first internal surface 32 and a first external surface 31; a second side (constituted by panel 26) having a second internal surface 34 and a second external surface 33; a reservoir 30 containing a substance for distributing onto a target surface (note lines 9-10 in col. 1), the reservoir 30 being disposed adjacent the first side (note Fig. 2) and having a predetermined weak region (note lines 28-31 in col. 6) having a comparatively low burst force (note lines 21-25 in col. 6) and a distribution channel 44 on the reservoir 30; the substance being sequentially releasable (note lines 17-20 in col. 7) to the first side through the channel 44 via multiple applications of pressure to the reservoir 30 (note lines 60-62 in col. 4, from line 67 in col. 4 to line 1 in col. 5 and lines 1-21 in col. 8); and a flow restriction layer (constituted by the layer 37, note lines 16-29 in col. 4) disposed between the reservoir 30 and the first side (note Fig. 2).

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7. Claims 1-6, 10-20, 22, 23 and 25-30 are rejected under 35 U.S.C. 102(a) and 102(e) as being anticipated by Gruenbacher et al. (6,726,386).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another”, or by an appropriate showing under 37 CFR 1.131.

With respect to claim 1, Gruenbacher et al. ('386) disclose an applicator 10 having all the claimed features including a first side (constituted by panel 24) having a first internal surface 32 and a first external surface 31; a second side (constituted by panel 26) having a second internal surface 34 and a second external surface 33; and a flexible film dosing reservoir 30 (note line 27 in col. 11 and lines 12-18 in col. 10) comprising a resealable channel 44 (note lines 54-67 in col. 9) in fluid communication with the reservoir 30, the reservoir 30 containing a substance for distributing onto a target surface (note lines 9-11 in col. 1) and having a predetermined weak region especially when formed by scoring (note from line 38 in col. 11 to line 6 in col. 12), the reservoir 30 being disposed between the first external surface 31 of the first side and the second internal surface 34 of the second side (note Fig. 2), the substance being releasable from the reservoir 30 through the resealable channel 44 (note lines 47-67 in col. 9) and through the first side to the target surface (note lines 47-50 in col. 6) by an application of pressure to the reservoir 30 (note lines 41-46 in col. 7).

With respect to claim 2, Gruenbacher et al. ('386) also disclose a first substantially fluid-impervious barrier layer 25 located between the reservoir 30 and the second internal surface 34 of the second side (note Fig. 2).

With regard to claim 13, Gruenbacher et al. ('386) further disclose a second substantially fluid-impervious barrier layer 27 disposed between the first barrier layer 25 and the second internal surface (note lines 1-3 in col. 19).

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With regard to claim 14, Gruenbacher et al. ('386) additionally disclose a second flexible film dosing reservoir 35 containing a second substance for distributing on the target surface (note lines 6-10 in col. 19).

With respect to claim 3, Gruenbacher et al. ('386) also disclose that the applicator is selected from the group consisting of gloves, mitts (note lines 20-30 and 61-63 in col. 5) and wipes (note lines 1-3 in col. 37 and from line 27 in col. 37 to line 3 in col. 38).

With respect to claim 4, Gruenbacher et al. ('386) further disclose that the flexible film dosing reservoir 30 is rupturable (note lines 20-21 in col. 8).

With regard to claim 5, Gruenbacher et al. ('386) additionally disclose that the flexible film dosing reservoir 30 is rendered rupturable by a frangible seal (note lines 38-42 in col. 11).

With regard to claim 6, Gruenbacher et al. ('386) also disclose that the flexible film dosing reservoir 30 is foldable proximate to the frangible seal (note lines 8-15 in col. 16).

With regard to claim 12, Gruenbacher et al. ('386) further disclose that the frangible seal has at least one stress concentrator (note lines 22-33 in col. 7).

With respect to claim 10, Gruenbacher et al. ('386) additionally disclose that the flexible film dosing reservoir 30 further includes a distribution head (note lines 3-4 in col. 9) in fluid communication with the resealable channel through which the substance is released from the reservoir to the first side (note lines 54-67 in col. 9).

With respect to claim 11, Gruenbacher et al. ('386) also disclose that the flexible film dosing reservoir 30 further comprises a plurality of chambers or compartments with each compartment containing a substance for distributing on the target surface and the compartments being adapted to provide at least one function wherein the function is selected from the group consisting of mixing, multiple dispensing, and sequential dispensing (note lines 37-61 in col. 8).

With respect to claim 15, Gruenbacher et al. ('386) further disclose that the flexible film dosing reservoir 30 comprises a material capable of varying seal strengths (note lines 38-65 in col. 11).

With respect to claim 16, Gruenbacher et al. ('386) additionally disclose that the first side is a substantially non-absorbent material (note lines 16-17 in col. 12).

With respect to claim 17, Gruenbacher et al. ('386) also disclose that the second side is a substantially absorbent material (note lines 10-12 in col. 17).

With respect to claim 18, Gruenbacher et al. ('386) further disclose a friction enhancing element located on at least one of the first and second sides (note lines 14-17 in col. 19).

With regard to claim 19, Gruenbacher et al. ('386) additionally disclose that at least one of the first and second sides is textured (note from line 65 in col. 20 to line 45 in col. 21).

With regard to claim 20, Gruenbacher et al. ('386) also disclose that the flexible film dosing reservoir 30 is located to avoid inadvertent dispensing (note lines 8-48 in col. 16).

With respect to claim 22, Gruenbacher et al. ('386) further disclose a temperature-changing element (note Figs. 26-45 and from line 20 in col. 24 to line 8 in col. 31).

With respect to claim 23, Gruenbacher et al. ('386) additionally disclose that at least one of the first and second sides comprise one or more removable layers (note lines 30-65 in col. 18).

With regard to claim 25, Gruenbacher et al. ('386) disclose an applicator 10 having all the claimed features including a first side (constituted by panel 24) having a first internal surface 32 and a first external surface 31; a second side (constituted by panel 26) having a second internal surface 34 and a second external surface 33; a rupturable laminate film reservoir 30 (note lines 27 and 38 in col. 11) comprising a resealable channel 44 (note lines 54-67 in col. 9) in fluid communication with the reservoir 30, the reservoir 30 containing a substance for distributing onto a target surface (note lines 9-11 in col. 1), the reservoir 30 being disposed between the first external surface 31 of the first side and the second internal surface 34 of the second side (note Fig. 2), the substance being releasable from the reservoir 30 through the resealable channel 44 (note lines 3-6 in col. 9) and through the first side to the target surface (note lines 9-12 in col. 12) via an application of pressure to the reservoir 30 (note lines 41-46 in col. 7); and a flow restriction layer (note lines 36-59 in col. 10) disposed between the reservoir 30 and the first external surface.

With respect to claim 26, Gruenbacher et al. ('386) also disclose that the reservoir is a flexible film reservoir (note line 27 in col. 11 and from line 65 in col. 11 to line 6 in col. 12).

With respect to claim 27, Gruenbacher et al. ('386) also disclose that the applicator is selected from the group consisting of a glove, a mitt (note lines 20-30 and 61-63 in col. 5) and a wipe (note lines 1-3 in col. 37 and from line 27 in col. 37 to line 3 in col. 38).

With respect to claim 28, Gruenbacher et al. ('386) additionally disclose a substantially fluid-impervious barrier layer 25 disposed between the rupturable reservoir 30 and the second internal surface 34 (note Fig. 2).

With respect to claim 29, Gruenbacher et al. ('386) disclose an applicator 10 having all the claimed features including a first side (constituted by panel 24) having a first internal surface 32 and a first external surface 31; a second side (constituted by panel 26) having a second internal surface 34 and a second external surface 33; a flexible film dosing reservoir 30 (note line 27 in col. 11 and lines 12-18 in col. 10) comprising at least one frangible seal 45 (note lines 47-53 in col. 9, line 60 in col. 10 and Fig. 7) and a distribution channel 44 disposed proximate the seal 45 (note Fig. 7), the reservoir 30 containing a substance for distributing onto a target surface (note lines 9-11 in col. 1), the reservoir 30 being disposed adjacent the first side (note Fig. 2), the substance being sequentially releasable (note lines 39-42 in col. 8) through the seal 45 and through the distribution channel 44 to the first side via multiple applications of pressure to the reservoir 30 (note lines 13-17 in col. 7, lines 22-23 in col. 7 and line 54 in col. 9 to line 18 in col. 10).

8. With respect to claim 30, Gruenbacher et al. ('386) disclose an applicator 10 having all the claimed features including a first side (constituted by panel 24) having a first internal surface 32 and a first external surface 31; a second side (constituted by panel 26) having a second internal surface 34 and a second external surface 33; a reservoir 30 containing a substance for distributing onto a target surface (note lines 9-11 col. 1), the reservoir 30 being disposed adjacent the first side (note Fig. 2) and having a predetermined weak region (note from line 67 in col. 11 to line 6 in col. 12) having a comparatively low burst force (note lines 54-65 in col. 11) and a

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distribution channel 44 on the reservoir 30; the substance being sequentially releasable (note lines 39-42 in col. 8) to the first side through the channel 44 via multiple applications of pressure to the reservoir 30 (note lines 13-17 in col. 7, lines 22-23 in col. 7 and line 54 in col. 9 to line 18 in col. 10); and a flow restriction layer (note lines 36-59 in col. 10) disposed between the reservoir 30 and the first side (note Fig. 2).

Response to Arguments

9. Applicant's arguments filed August 25, 2005 have been fully considered but they are not deemed persuasive.

10. Applicants' arguments regarding the claim language "a first side having a first internal surface and a first external surface" and "a second side having a second internal surface and a second external surface" have been carefully considered. However, as clearly pointed out above, the specification, in the detailed description, fails to use this language in describing the various applicators. Therefore, it cannot be determined what specific structure is intended by this claim language.

11. Applicants' arguments regarding the barrier layers have been carefully considered. However, the placement of the barrier layers as claimed does not find support in the originally filed disclosure. Once again, it appears that the above claim language ("a first side having a first internal surface and a first external surface" and "a second side having a second internal surface and a second external surface") is instrumental in determining what structure and structural relationships are being claimed.

12. Applicants' arguments regarding the flow restriction layer have been carefully considered. However, the originally filed disclosure fails to support or describe the claimed disposition of the flow restriction layer as called for by claims 25 and 30, i.e., "disposed between said reservoir and said first external surface" and "disposed between said reservoir and said first side", respectively.

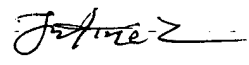
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Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner, Kathleen J. Prunner, whose telephone number is 571-272-4894.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu, can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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11/1/05



Kathleen J. Prunner

October 28, 2005